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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,911	03/26/2004	Steven J. Robinson	BXD-4061/00109-1	7706
7590	04/27/2006		EXAMINER	
Kenneth John Whittington STEVENS DAVIS MILLER & MOSHER LLP Suite 850 1615 L Street NW Washington, DC 20036			HOEY, ALISSA L	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 04/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/809,911	ROBINSON, STEVEN J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alissa L. Hoey	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 27 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 and 15-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/05/06, 03/26/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of the shirt embodiment (claims 1-13 and 15-26 in the reply filed on 04/05/06 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2); and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 6-11, 13, 15-17, 19-23, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Neff et al. (US 6,986,165).

In regard to claim 1, Neff teaches an attachment assembly for a garment (12) comprising a second section having a button hole (50) therein and a first section having a button (38) attached thereon for insertion through the button hole to maintain the first and second sections in relative positions to one another (figures 1 and 2). The button (38) is affixed to a tab (42) attached to an inner location of the first section and extending through a tab hole (36) in the first section (figures 2).

In regard to claim 2, Neff teaches the tab comprises an elastic portion (45) and a portion made of material (42).

In regard to claim 3, Neff teaches the elastic portion (45) being attached to the inner location and the button (38) is attached to the material portion (42).

In regard to claim 4, Neff teaches the elastic portion (45) being attached to the inner location via stitching (48).

In regard to claim 6, Neff teaches the first section comprises two layers of material and the tab extends between the layers and out through the tab hole (column 2, lines 14-27).

In regard to claim 7, Neff teaches the tab comprises an elastic portion (45) and a portion made out of material (42).

In regard to claim 8, Neff teaches the elastic portion (45) being located between the layers and attached to one of the layers (figure 2).

In regard to claim 9, Neff teaches the elastic portion (45) being attached to the one of the layers via stitching (48).

In regard to claim 10, Neff teaches the material portion (42) meets the elastic portion (45) between the layers and extends through the tab hole (26).

In regard to claim 11, Neff teaches the material portion (42) and the elastic portion being (45) attached via stitching (column 2, lines 33-41).

In regard to claim 13, Neff teaches the assembly is part of a collar for a shirt and the first and second sections are ends of the collar (figures 1 and 2).

In regard to claim 15, Neff teaches a garment (12) having an attachment assembly comprising a button (38) in a first section for insertion into a buttonhole (50) in a second section. The insertion of the button into the buttonhole maintains the fist section in relative positions to the second section (figure 1). The button (38) is attached to a tab (42) extending from between material layers of the first section through a tab

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hole (36) and therein the tab comprise an elastic portion (45) allowing the tab to be expanded or contracted.

In regard to claim 16, Neff teaches the tab being attached to the first section via stitching (column 2, lines 35-38).

In regard to claim 17, Neff teaches the tab further comprising a material portion (42).

In regard to claim 19, Neff teaches the first section comprises two layers of material and the tab extending between the layers and out through the tab hole 9column 2, lines 17-26).

In regard to claim 20, Neff teaches the elastic portion being located between the two layers of material.

In regard to claim 21, Neff teaches the elastic portion (45) being attached to one of the two layers (figure 2).

In regard to claim 22, Neff teaches the elastic portion (45) being attached via stitching (48).

In regard to claim 23, Neff teaches the material portion (42) attached to the elastic portion (45) extending from between the two layers through the tab hole and is attached to the button (figures 1 and 2).

In regard to claim 25, Neff teaches the garment being a shirt and the first and second sections are ends of a collar for the shirt (figures 1 and 2).

In regard to claim 26, Neff teaches the button-up shirt having at least button and buttonhole (figures 1 and 2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 12, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neff et al..

Neff et al. teaches a attachment assembly for a garment as described above in claims 1, 2, 6, 7, 8, 10, 15, 17, 19, 20, 23 and 24. However, Neff fails to teach the material portion made out of the same material as the material of the garment article.

It would have been obvious to have provided the material portion of the tab being made out of the same material as the garment article or any other material as long as it is different from the elastic material portion and as supported in Applicant's specification in paragraph 0012.

***Conclusion***

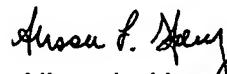
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown, Hurd, Tucker, Norwood, Berger, Duflos, Droppo, Neff and Keeter are all cited to show closely related garment articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alissa L. Hoey  
Primary Examiner  
Technology Center 3700